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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

N5HYG, LLC and NEVADA 5, INC.,

Plaintiffs,

v.

HYGEA HOLDINGS CORP.; MANUEL IGLESIAS; EDWARD MOFFLY; DANIEL T. MCGOWAN; FRANK KELLY; MARTHA MAIRENA CASTILLO; LACY LOAR; RICHARD WILLIAMS, ESQ.; GLENN MARICHI, M.D.; KEITH COLLINS, M.D.; JACK MANN, M.D.; the ESTATE OF HOWARD SUSSMAN, M.D.; JOSEPH CAMPANELLA; CARL ROSENCRANTZ; and RAY GONZALEZ; DOES 1-X; and ROES 1-X,

Defendants.

Case No. : 2:17-cv-02870-JCM-PAL

**STIPULATION AND ORDER
EXTENDING DEADLINE TO RESPOND
TO COMPLAINT**

(First Request in this Court)

STIPULATION

Plaintiffs N5HYG, LLC and Nevada 5, Inc. (collectively “Plaintiffs”) and Defendants Hygea Holdings Corp., Manuel Iglesias, Edward Moffly, Daniel T. McGowan, Frank Kelly, Martha Mairena Castillo, Lacy Loar, Richard Williams, Glenn Marichi, Keith Collins, Jack Mann, Joseph Campanella, Carl Rosencrantz, and Ray Gonzalez (collectively the “Stipulating Defendants”) hereby stipulate and agree as follows:

1. Plaintiffs commenced this action in the Eighth Judicial District Court for the State of Nevada on October 5, 2017.

2. Defendant Ray Gonzalez filed a Notice of Removal in this federal court on November 15, 2017. Plaintiffs reserve the right to contend that such removal was improper.

3. Except as set forth in Paragraph 5 of this Stipulation, pursuant to Fed. R. Civ. P. 81(c)(2)(C), the deadline for the Stipulating Defendants to answer or otherwise respond to the Complaint is November 22, 2017. In addition to the matters addressed in Paragraph 5, Plaintiffs also reserve the right to contend that the removal in this case was improper and that therefore, in the absence of this Stipulation, Fed. R. Civ. P. 81(c)(2)(C) would not apply.

4. Except as provided in and subject to Paragraph 5, all Stipulating Defendants shall have up to and including December 4, 2017, in which to answer or otherwise respond to the Complaint on file herein.

5. Plaintiffs’ position is that Hygea Holdings Corp. (“Hygea”) is and remains in default, and is therefore barred from filing papers in its defense in this case unless and until the default is set aside. Hygea disputes this position. However, without prejudice to such positions, to any argument that Hygea is in default in either state or federal court, or to any argument that any answer or response filed by Hygea should be stricken, Hygea will not be deemed to be in default by virtue of filing an answer or other response in this court by December 4, 2017 as opposed to within seven days of removal; and Hygea’s filing of such an answer or response by December 4, 2017, as opposed to within seven days of removal shall not prejudice any argument by either side regarding whether or not Hygea is or remains in default or to whether such answer or response should be stricken.

6. This Stipulation also is for scheduling purposes only. The parties' execution of this stipulation is without prejudice to any argument that this Court lacks jurisdiction over this matter or that the Court should remand this case. In the event the Court determines that it otherwise lacks jurisdiction, such execution of this stipulation shall not otherwise confer this Court with jurisdiction, and such execution of this stipulation shall not prejudice any argument that removal was improper.

7. This Stipulation also is for scheduling purposes only. Certain of the Stipulating Defendants may move for dismissal based on lack of personal jurisdiction or other grounds. Accordingly, this Stipulation should not be construed as a waiver to seek such a dismissal before this Court.

8. This is the first extension of time requested by the parties in this Court. This Stipulation is made in good faith and not in an attempt to delay proceedings.

DATED this 22nd day of November, 2017.

DATED this 22nd day of November, 2017.

/s/ G. Mark Albright

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1 DATED this 22nd day of November, 2017.

2
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16 *Jack Mann, Joseph Campanella, and Carl Rosencrantz*

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Dated: November 28, 2017